

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERRY VANDIVER,

Plaintiff,

vs.

Case No. 08-CV-10487
HON. GEORGE CARAM STEEH

BRAD TERRILL,
BRIAN WEST,

Defendants.

_____/

ORDER ACCEPTING MARCH 28, 2008 REPORT AND RECOMMENDATION (# 10),
VACATING FEBRUARY 5, 2008 ORDER GRANTING PLAINTIFF IFP STATUS (# 3),
AND DISMISSING PLAINTIFF'S CLAIMS

Magistrate Judge Charles Binder issued a March 28, 2008 Report and Recommendation recommending that the court vacate its February 5, 2008 Order granting pro se state prisoner Jerry Vandiver in forma pauperis ("IFP") status because Vandiver had three strikes under 28 U.S.C. § 1915(g) when he filed this lawsuit, and that the court dismiss the claims on Vandiver's failure to pay the \$350.00 filing fee within 30 days, or by April 28, 2008. Vandiver did not file objections to the Report and Recommendation and has not paid the filing fee. Having reviewed the March 28, 2008 Report and Recommendation, and absent objection, the court adopts the recommendation. Accordingly,

The February 5, 2008 Order granting Vandiver IFP status is hereby VACATED, and Vandiver's IFP status is hereby REVOKED under the three-strikes rule of 28 U.S.C. § 1915(g). Vandiver's claims are hereby DISMISSED for failing to pay the \$350.00 filing fee by April 28, 2008.

SO ORDERED.

Dated: April 30, 2008

s/George Caram Steeh

GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
April 30, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk